

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

FEB 12

UNITED STATES OF AMERICA)
) Criminal No. 1:15-cr-42
v.)
)
MILTON SMITH, Jr.,)
a/k/a "Star,") 18 U.S.C. § 2251(a) and (e)
)
Defendant.) Conspiracy to Produce Child Pornography
)
 (Count 1)
)
 18 U.S.C. § 2252(a)(2) and (b)(1)
)
 Conspiracy to Distribute Child Pornography
)
 (Count 2)
)
 18 U.S.C. § 2253
)
 Criminal Forfeiture

INDICTMENT

February 2015 Term -- at Alexandria, Virginia

COUNT ONE

(Conspiracy to Produce Child Pornography)

THE GRAND JURY CHARGES THAT:

From on or about January 1, 2013 to on or about December 10, 2014, within the Eastern District of Virginia and elsewhere, Defendant MILTON SMITH, JR., knowingly and willfully conspired and agreed with other members of Website A and Website B, to knowingly employ, use, persuade, induce, entice, and coerce minors, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, and Defendant MILTON SMITH, JR., and his coconspirators knew or, had reason to know, that such visual depictions would be transported or

transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, and that such visual depictions were produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and such visual depictions had actually been transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce.

(In violation of Title 18, United States Code, Section 2251(a) & (e).)

COUNT TWO

(Conspiracy to Distribute Child Pornography)

THE GRAND JURY CHARGES THAT:

From on or January 1, 2013 to on or about December 10, 2014, within the Eastern District of Virginia and elsewhere, Defendant MILTON SMITH, JR., knowingly and willfully conspired and agreed with other members of Website A and Website B, to distribute a visual depiction using a means and facility of interstate and foreign commerce and that had been shipped or transported in and affecting interstate or foreign commerce, and which contained materials that have been so mailed, shipped and transported, by any means including by computer, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct and Defendant MILTON SMITH, JR., knew that the depiction involved a minor engaged in sexually explicit conduct.

(In violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).)

CRIMINAL FORFEITURE

Pursuant to Federal Rule of Criminal Procedure 32.2, the Defendant, MILTON SMITH, JR., is hereby notified:

A. Upon conviction of one or more of the violations alleged in Counts One and Two of this Indictment, the Defendant shall forfeit to the United States:

1. Any and all matter which contains child pornography or any visual depiction described in Title 18, United States Code, Sections 2251 or 2252, produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 2251 *et seq.*;

2. Any property, real and personal, constituting, derived from, or traceable to gross profits or other proceeds obtained from the violations of Title 18, United States Code, Section 2251 *et seq.*;

3. Any property, real and personal, used or intended to be used in any manner or part to commit or to promote the commission of violations of Title 18, United States Code, Section 2251 *et seq.*, and any property traceable to such property.

B. The property subject to forfeiture includes, but is not limited to, the following item seized from the defendants:

1. Seagate GoFlex External Hard Drive SN: NA1Q7AA0
2. Seagate External Hard Drive SN: Q13090604YS
3. Seagate External Hard Drive SN: 4LS61QHP
4. Seagate External Hard Drive SN: 4ND3ZA8G
5. Toshiba Satellite Laptop SN: 5B311820W
6. Hewlett-Packard p6130y Desktop SN: MXX9250DCL

C. If property subject to forfeiture is not available, the government may seek an order forfeiting substitute assets.

(In accordance with Title 18, United States Code, Sections 2253 and 981(a)(1)(C); Title 28, United States Code, Section 2461(c); and Title 21, United States Code, Section 853(p).)

A TRUE BILL:

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

FOREPERSON

DANA J. BOENTE
UNITED STATES ATTORNEY

By: _____

Matthew J. Gardner
Alexander T.H. Nguyen
Assistant United States Attorneys
Kathryn A. Kimball
Special Assistant United States Attorney
United States Attorney's Office
2100 Jamieson Ave.
Alexandria, VA 22314

Ravi Sinha, Trial Attorney
United States Department of Justice, Child Exploitation and Obscenity Section